

NOTICE OF SUIT TO SHERIFF OF ALLEGHENY CO.

You are hereby notified that on 04/27/2021

a COMPLAINT has been filed in this case

and you are required to serve the same on or before the

05/27/2021

Michael McGeever, Director

Department of Court Records

COMPLAINT IN CIVIL ACTION**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Plaintiff(s)

Morley, Mary Lou

Case Number:

GD-21-004466

Type of pleading:

Complaint

Filed on behalf of:

Morley Mary Lou

Shorr Daniel Adam

(Name of filing party)

Defendant(s)

Sam's Club Inc.,
dba Sam's Club

VS



Counsel of Record



Individual, If Pro Se

Name, Address and Telephone Number:

Shorr Daniel Adam

SWARTZ CULLETON PC

310 Grant Street, Suite 715

Pittsburgh, PA, 15219

412 2387610

Attorney's State ID: 328007

Michael McGeever, Director, Department of Court Records

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY OF PENNSYLVANIA

MARY LOU MORLEY

Plaintiff

v.

SAM'S CLUB, INC. d/b/a SAM'S CLUB

Defendant.

JURY TRIAL DEMANDED

CIVIL DIVISION

GD-21-004466

Filed on behalf of Plaintiff,
MARY LOU MORLEY

Counsel of Record for this party:

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E-FILED

APR 27 2021

CIVIL/FAMILY DIVISION
DEPT. OF COURT RECORDS
ALLEGHENY COUNTY, PA

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555
F: (215) 550-6557

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY OF PENNSYLVANIA

| | | |
|-----------------------------------|---|-----|
| MARY LOU MORLEY | : | |
| | : | |
| <i>Plaintiff</i> | : | |
| | : | No. |
| v. | : | |
| | : | |
| SAM'S CLUB, INC. d/b/a SAM'S CLUB | : | |
| | : | |
| | : | |
| <i>Defendant.</i> | : | |
| | : | |
| JURY TRIAL DEMANDED | : | |

CIVIL ACTION COMPLAINT

1. Plaintiff, Mary Lou Morley, is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at 1516 Elm Street, Greensburg, Pennsylvania 15601.

2. Defendant, Sam's Club Inc. d/b/a Sam's Club (hereinafter referred to as "Sam's Club"), is a business corporation of the Commonwealth of Pennsylvania, with a principal place of business located therein at 608 SW Eighth Street, Bentonville, Arkansas 72712.

3. Venue is proper in Allegheny County because Defendant regularly and continuously conducts business in Allegheny County.

4. At all times relevant hereto, Defendant, Sam's Club, acted by and through its respective agents, servants, employees, workmen and/or other representatives, who were, in turn, acting within the course and scope of their employment, agency and/or service for the same.

5. At all times material herein, Defendant, Sam's Club, by and through its respective trustees, directors, agents, servants, workmen, employees and/or other representatives, acting within the course and scope of their employment with Sam's Club, were responsible for the

premises located at 6211 US-30, Greensburg, Pennsylvania 15601, more specifically, pallets on the premises.

6. On or about February 3, 2021, Defendant, by and through its respective trustees, directors, agents, servants, workmen, employees and/or other representatives, acting within the course and scope of their employment with Sam's Club, owned, operated, controlled, leased, inspected, possessed, managed and/or maintained the aforesaid premises.

7. On or about February 3, 2021, and for a long time prior thereto, it was the duty of the Defendant, Sam's Club, by and through its respective trustees, directors, agents, servants, workmen, employees and/or other representatives, to keep and maintain the aforesaid premises in a reasonably safe condition for persons lawfully upon the premises, such as Plaintiff.

8. On or about February 3, 2021, Plaintiff Mary Lou Morley was an invitee at the aforesaid premises.

COUNT I
MARY LOU MORLEY v. SAM'S CLUB, INC. D/B/A SAM'S CLUB
NEGLIGENCE – PREMISES LIABILITY

9. Plaintiff hereby incorporates by reference paragraphs one (1) through eight (8) of the within Complaint, as though the same were fully set forth at length herein.

10. On or about February 3, 2021, Plaintiff was lawfully on the aforesaid premises when, suddenly and without warning, and as a result of a defective condition of the premises, Plaintiff tripped and fell on an unmarked pallet left by Defendant near the book section of the store, causing her to sustain various severe and permanent bodily injuries and losses as more fully set forth below.

11. The incident described in the preceding paragraphs of the within Complaint was caused by the negligence and carelessness of the Defendant, by and through its agents, servants, workmen, employees and/or other representatives acting within the course and scope of the

employment, agency and/or service for the same, generally and in the following particular respects:

- a. carelessly and negligently allowing the aforesaid premises to be kept in a dangerous condition for a prolonged period of time so as to cause injury to the Plaintiff, more specifically failing to timely repair or mark the pallet that caused Plaintiff's injury;
- b. carelessly and negligently failing to inspect the premises in such a manner so as to identify defects and prevent potential bodily injuries to third parties, such as the Plaintiff;
- c. carelessly and negligently creating and allowing a dangerous condition to exist by failing to provide proper safety warnings to individuals lawfully on the Defendant's premises;
- d. failing to ensure that the premises could be traversed in a manner which would not cause a danger to potential third parties, such as the Plaintiff;
- e. failing to adequately and timely repair defects to the aforesaid premises;
- f. failing to correct a dangerous and hazardous condition of which the Defendant was actually aware;
- g. failing to warn people lawfully upon the Defendant's premises, such as the Plaintiff, of the aforesaid dangerous condition; and
- h. otherwise failing to provide a safe place for persons lawfully upon the Defendant's premises, such as the Plaintiff, to travel.

12. Plaintiff in no manner contributed to her own injuries, which were the direct and proximate result of the Defendant's own negligence and/or carelessness.

13. As a result of the aforesaid carelessness and negligence of the Defendant, Plaintiff suffered severe injuries, including, but not limited to, a fractured right humerus, concussion, left knee pain, bruising, as well as aches, pains, mental anxiety and anguish, and a severe shock to her entire nervous system. Plaintiff has in the past and will in the future undergo severe pain and suffering as a

result of which she has been in the past and will in the future be unable to engage in her usual activities, all to her great detriment and loss.

14. As a result of the aforesaid carelessness and negligence of the Defendant, Plaintiff has been and will be obliged to receive and undergo medical attention and care and to expend various sums for the treatment of her injuries and incur such expenditures for an indefinite time in the future.

15. As a further result of the aforesaid accident, Plaintiff has in the past and may in the future suffer a loss of her earnings and/or earning power, and she may incur such loss for an indefinite period in the future.

16. Further, by reason of the aforesaid occurrence, Plaintiff has and/or may hereinafter incur other financial expenses all in an effort to treat and cure herself of the injuries sustained in the aforesaid accident.

17. As a further result of the aforesaid negligence of the Defendant, Plaintiff has or may have suffered injuries resulting in the serious and/or permanent loss of use of a bodily function, dismemberment, and/or scarring, which may be in full or part cosmetic disfigurements which are or may be permanent, irreparable and severe.

18. As a further result of the aforesaid accident, Plaintiff has suffered a loss of the enjoyment of her usual duties, avocations, life's pleasures and activities, and the shortening of her life expectancy, all to her great detriment and loss.

19. As a further result of the aforesaid accident, Plaintiff has suffered great and unremitting physical pain, suffering and mental anguish, all of which may continue in the future.

WHEREFORE, Plaintiff, Mary Lou Morley, demands judgment against Defendant, Sam's Club, Inc. d/b/a Sam's Club, in an amount in excess of Thirty-Five Thousand Dollars (\$35,000.00).

Respectfully,

SWARTZ CULLETON PC

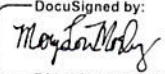
By: /s/ Anthony J. Giannetti
Anthony J. Giannetti, Esquire
Adam D. Shorr, Esquire
Attorneys for Plaintiff

Date: April 27, 2021

VERIFICATION

I, Mary Lou Morley, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

X

DocuSigned by:

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